FOOD INDUSTRY ALLIANCE OF NEW YORK STATE, INC.

Advocates of the Food Industry Since 1900

FIA

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UPDATE ON ISSUES AND EVENTS FOR NEW YORK STATE FOOD EXECUTIVES

MAY 1998

ISSUE HIGHLIGHTS:

- Northeast Dairy Compact
- FIA Stops Harmful Legislation

DAIRY COMPACT ... Still Alive

Assembly Agriculture Committee Chair William Parment (D-Jamestown) surprised his legislative colleagues by removing the enacting clause from the bill he sponsored (A.3378) enabling New York to join the Northeast Interstate Dairy Compact. By striking the enacting clause, a bill is effectively dead. What is unusual is that Parment chose the most aggressive (and least politically expedient) way of stopping a bill. He could simply have held it in committee or reported it to another committee. Parment apparently had a change of mind about the merits of the bill and thought it would be hypocritical to let it die in committee. But, the story doesn't end there. Despite opposition from Chairman Parment, several fellow Democrats who sit on the Agriculture Committee banded together to re-introduce the Dairy Compact bill. **Assemblyman Magee (D-Oneida)**, is sponsoring **A.1097**, essentially the same bill that Parment derailed. Although its fate before the full Assembly is uncertain, word is that the bill has enough votes to make it through the Assembly Agriculture Committee if it gets on the agenda. Earlier this year the Republican-controlled Senate passed its version of the Compact bill along party lines with Republicans supporting the measure and Democrats opposing.

FIA SUPPORTS ... Tort Reform Initiative

Food Industry Alliance President Jim Rogers issued a statement of support earlier this month for a comprehensive package of civil justice reforms sponsored by **Senator Dale Volker (R-Depew) and Assemblyman Joseph Morelle (D-Rochester)**, known as the Volker-Morelle Civil Justice Reform Act. In doing so, FIA joined a broad-based coalition of supporters which includes virtually every municipality and school district in the state, roughly 69,500 businesses and 226,086 individuals. According to FIA, the important issue regarding civil justice reform is to strike a fair balance between the legitimate rights of injured victims and judicial excesses. The legislation introduced by Senator Volker and Assemblyman Morelle achieves that balance. Mr. Rogers noted that, perhaps more than most industries, grocery retailing has no alternative but to include the cost of doing business in the price of the product since a grocer's profit is one per cent of sales. Clearly, New York's current tort law is a significant cost of doing business which, indirectly, is borne by the consumer. It is for this reason that FIA views the Volker-Morelle Civil Justice Act not only as a bill to instill balance and fairness to New York's existing tort law but also as a major piece of consumer legislation. Most of the reforms proposed in the Volker-Morelle bill have already been adopted in other states or were recommended in the mid-1980's by a blue ribbon, bipartisan panel appointed by then Governor Mario Cuomo to study liability issues.

FIA HOSTS GOVERNOR ... At May Fundraiser

The Alliance was a primary co-sponsor of a fundraiser for **Governor George Pataki** held in Albany earlier this month. The Governor talked with FIA members and others in attendance for about 45 minutes. FIA raised the issue of selling wine in grocery stores and will follow up further. Over $50,000 was raised for the Governor's re-election. Also at the event were **Jim Natoli, the Governor's Director of State Operations; Brad Race, Secretary to the Governor; William Powers, NYS Republican Chairman; and Nathan Rudgers, First Deputy Commissioner, Department of Ag & Markets.**

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TON MILEAGE TAX
... Signed By Gov

Governor Pataki signed the Ton Mileage Tax cut which will save the trucking industry as a whole $36 million annually, including millions for the supermarket industry. The 6.6 cent per mile tax will be reduced by 25 percent to 4.95 cents per mile on non-toll roads. It's effective **January 1, 1999.**

FIA STOPS LEGISLATURE
... From Acting On Industry Bills

While the state legislature continues to wade through numerous bills until the end of June, FIA has already scored some "wins" for the industry. FIA was successful in stopping the following bills by either getting them held in committee or withdrawn from a committee's agenda:

A.2201 by Assemblywoman Davis (D-Bronx) requires BST labeling on milk products.

A.5148 by Assemblyman McLaughlin (D-Queens) requires the immediate suspension of an off-premise liquor license if three incidents are reported either adjacent to the premises or in the parking lot within a nine month period.

A.5314 by Assemblyman McLaughlin (D-Queens) allows the city of New York to restrict the hours of sale of alcoholic beverages for on-premise consumption by local ordinance. Although it targets on-premise businesses only, it sets a negative precedent which could be extended to off-premise retailers.

A.5879 by Assemblyman Brodsky (D-Westchester) permits liquor stores to sell cigars.

A.6261 by Assemblyman Reynolds (R-Warsaw) prohibits transporting foods in vehicles used to backhaul waste.

A.9269 by Assemblyman Ortiz (D-Brooklyn) prohibits expiration dates on gift certificates except in specific circumstances.

A.9411 by Assemblywoman Greene (D-Bronx) requires all foods be labeled if they were produced with fertilizer containing recycled sewage sludge.

A.9416 by Assemblyman Magee (D-Oneida) requires labeling fresh fruits, vegetables and meats with place of origin.

A.9832 by Assemblywoman Sullivan (D-Oswego) limits the sale of tobacco products to liquor stores only.

S.3192 by Senator Padavan (R-Queens) requires NYC retailers to notify a community board 60 days prior to renewal of alcoholic beverage licenses. FIA was successful in getting grocery stores removed from the bill.

FIA WEIGHS-IN
...On National Legislation

FIA wrote **U.S. Senator Alfonse D'Amato** voicing its strong objections to S.1415 which seeks to reduce teenage smoking. While FIA supports efforts that substantially reduce smoking by underage youth, FIA believes that certain provisions of this particular bill must be addressed. In FIA's view, a result of S.1415 would be the creation of regressive tax policy, the imposition of unnecessary advertising restrictions, the expansion of government bureaucracy and the possible prohibition by the Food and Drug Administration of tobacco sales by specific categories of retail outlets.

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